



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
EXPRESS MAIL LABEL NO. EQ 160572989 US

In re application of: Michael P. Ryan et al

Date: October 7, 2005

Serial No.: 10/049,697

Examining Gr.: 3652

Filed: June 5, 2002

Examiner: James W. Keenan

For: REFUSE COLLECTION VEHICLES AND
METHOD OF MANUFACTURING

REQUEST FOR REHEARING

Honorable Assistant Commissioner of Patents and
Honorable Board of Patent Appeals and Interferences
Washington, D.C. 20231

Applicant requests a rehearing on certain matters which have been brought up during the decision.

One of the dictionary definitions of "similar", as was noted by the Board, is "having a resemblance". This definition was not argued by the Examiner during the prosecution of the application. The term "similar" as set forth in the claim was meant to be read, as specified in the specification at page 13, lines 14-22 and page 14, lines 24-26. That is "similar" was to be read as "identical", and the Examiner treated it as such.

Applicant argues that "identical" is not found in the Zanzig reference or other references. Further, there is no teaching in any of the references of the advantages of making modules that have identical ends where they mate and

overlie each other and that are identical for a front loader and a rear loader, for a front loader and a side loader or for a rear loader and a side loader.

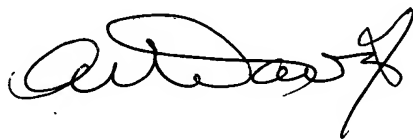
Without Applicant's explanation of the advantages accruing from the claimed invention, there is no benefit to the public from a showing in the references "having a resemblance". Applicant has spent many hours and a great deal of money to work through all of the variables needed to create refuse collection vehicles with the claimed characteristics.

Applicant further argues that the fact that the same parts have the same reference number does not indicate that the parts are identical and does not point out the advantages accruing therefrom.

Applicant hereby authorizes the Examiner to substitute the term "identical" for the term "similar" to remove any doubt about the meaning of the term "similar". Alternatively, the Examiner can substitute the claims provided in this Appendix for the claims presently in the application. The appendix claims provide the substitution of "identical" for "similar".

For the reasons set forth above, it is respectfully submitted that the amendment should be permitted and the claims allowed since the term "identical" defines over the art of record.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Albert W. Davis Jr.', with a stylized flourish at the end.

Albert W. Davis Jr.,
Reg. No. 38,773

APPENDIX (CLAIM AMENDMENTS)

Claims 1-8 (Previously numbered 1-5,5,6 and 7) (Cancelled)

Claim 9 (Currently amended): A fleet of refuse collection vehicles (RCVs) comprising the following types of RCVs,
a front loader refuse collection vehicle (RCV) made from a body module, a hopper module and a tailgate module and
a side loader RCV made from a body module, a hopper module and a tailgate module,
each body module having ~~similar~~ identical ends,
each body module being manufactured so that one end will mate with and overlie an end of a tailgate module of a front loader RCV and a side loader RCV and so that the other end will mate with an end of a hopper module of a front loader RCV and a side loader RCV.

Claim 10 (Currently amended): The fleet of RCVs of claim 9 wherein,
each body module includes a refuse storage capacity,
the body modules have varied lengths to create a different refuse storage capacity for each RCV.

Claim 11 (Previously presented): The fleet of RCVs of claim 9 wherein, the front loader RCV has a hopper module with a loader module attached to the hopper module.

Claim 12 (Currently amended): The fleet of RCVs of claim 9 wherein, the front loader RCV has a loader module attached to a chassis portion of the RCV.

Claim 13 (Previously presented): The fleet of RCVs of claim 9 wherein, the side loader RCV has a loader module attached to a chassis portion of the RCV.

Claim 14 (Currently amended): The fleet of RCVs of claim 9 wherein, the side loader RCV has a loader module attached to the hopper module of the RCV.

Claim 15 (Currently amended): A fleet of refuse collection vehicles (RCVs) comprising the following types of RCVs,
a front loader refuse collection vehicle (RCV) made from a body module, a hopper module and a tailgate module and
a rear loader RCV having a body module and a tailgate module made from a hopper combined therewith,
each body module having ~~similar~~ identical ends,
each body module being manufactured so that one end will mate with and overlie an end of a tailgate module of a front loader RCV and a rear loader RCV and so that the other end will mate with an end of a hopper module of a front loader RCV.

Claim 16 (Currently amended): The fleet of RCVs of claim 15 wherein,
each body module includes a refuse storage capacity,
the body modules have varied lengths to create a different refuse storage capacity for each RCV.

Claim 17 (Previously presented): The fleet of RCVs of claim 15 wherein,
the front loader RCV has a hopper module with a loader module attached to the hopper module.

Claim 18 (Currently amended): The fleet of RCVs of claim 15 wherein, the front loader RCV has a loader module attached to a chassis portion of the RCV.

Claim 19 (Currently amended): The fleet of RCVs of claim 15 wherein, the rear loader RCV has a loader module attached to the tailgate module of the RCV.

Claim 20 (Currently amended): The fleet of RCVs of claim 15 wherein, the rear loader RCV has a loader module attached to a body module portion of the RCV.

Claim 21 (Currently amended): A fleet of refuse collection vehicles (RCVs) comprising the following types of RCVs,
a side loader RCV made from a body module, a hopper module and a tailgate module and
a rear loader RCV made from a body module and a tailgate module having a hopper combined therewith,
each body module having ~~similar~~ identical ends,
each body module being manufactured so that one end will mate with and overlies an end of a tailgate module of a side loader RCV and a rear loader RCV and so that the other end will mate with an end of a hopper module of a side loader RCV.

Claim 22 (Currently amended): The fleet of RCVs of claim 21 wherein,
each body module includes a refuse storage capacity,
the body modules have varied lengths to create a different refuse storage capacity for each RCV.

Claim 23 (Previously presented): The fleet of RCVs of claim 21 wherein,
the side loader RCV has a loader module attached to a chassis portion of the RCV.

Claim 24 (Currently amended): The fleet of RCVs of claim 21 wherein, the side loader RCV has a loader module attached to the hopper module of the RCV.

Claim 25 (Currently amended): The fleet of RCVs of claim 21 wherein, the rear loader RCV has a loader module attached to the tailgate module of the RCV.

Claim 26 (Currently amended): The fleet of RCVs of claim 21 wherein, the rear loader RCV has a loader module attached to a body module portion of the RCV.